

NAWCWDINST 12713.1A
734000E
25 Feb 2000

NAWCWD INSTRUCTION 12713.1A

From: Commander, Naval Air Warfare Center Weapons Division

Subj: DISCRIMINATION COMPLAINT PROCEDURES

Ref: (a) OCPMINST 12713.2A, Department of the Navy
Discrimination Complaints
(b) NAVAIRINST 12720.4, Equal Employment Opportunity
Program Management and Administration
(c) 29 CFR Part 1614, Federal Sector Equal Employment
Opportunity

1. Purpose. To implement the policies and procedures of the Department of the Navy (DON) discrimination complaints process at the Naval Air Warfare Center Weapons Division (NAWCWD).

2. Cancellation. NAWCWPNSINST 12713.1

3. Scope. This instruction applies to all NAWCWD civilian personnel (both appropriated and non-appropriated), former employees, and applicants for employment. Services provided to tenant activities are according to individual inter-service support agreements.

4. Background. Recent legislative and regulatory changes have had a substantial impact on discrimination complaint procedures. This instruction will bring NAWCWD into conformance with references (a) through (c).

5. Policy. DON policy, per references (a) and (b), is to provide equal employment opportunity for all persons and to prohibit discrimination against any employee, former employee, or applicant because of race, color, religion, sex, national origin, age, disability, or reprisal for prior Equal Employment Opportunity (EEO) complaint involvement. At NAWCWD, we will process and resolve all complaints of discrimination with emphasis on resolution at the earliest possible stage.

6. Responsibilities

a. Equal Employment Opportunity Officer (EEOO). The Commander, NAWCWD, is the EEOO for NAWCWD and has ultimate line responsibility on issues of discrimination. The Commanding Officer, Naval Air Weapons Station (NAWS) serves as the EEOO for NAWS. The NAWCWD EEOO will:

(1) Publicize discrimination complaint procedures, including the names of designated EEO counselors.

(2) Attempt early resolution of complaints.

(3) Modify policies and practices found to have an unlawful discriminatory impact.

(4) When discrimination has taken place, ensure disciplinary or other administrative corrective action is taken. Report the actions taken and the reasons for the decision to the Director, Naval Complaints Administration and Review Division.

(5) Ensure required records are maintained by the Human Resources Department, Code 730000E.

b. Deputy Equal Employment Opportunity Officer (DEEOO). The Head, EEO Division, is the DEEOO. The DEEOO is the principal manager and technical advisor to the EEOO. The DEEOO will:

(1) Advise the EEOO on individual complaints of discrimination.

(2) Assess the knowledge and skills of each counselor and certify that needed training was completed before he or she is assigned to counseling duties.

(3) Supervise counseling activities.

(4) Work closely with appropriate members of management and management support staff to achieve resolutions and settlement agreements, whenever feasible, during every stage of the complaint process.

(5) Process formal discrimination complaints according to the procedures established in reference (a), (b), and (c).

(6) Request the assignment of investigators to conduct formal discrimination complaint investigations and provide investigators with adequate and timely support to facilitate the completion of investigations, fact finding conferences, and complaint settlement.

(7) Ensure all complaints documentation is maintained; periodically conduct data quality reviews; document the results of such reviews.

(8) Determine whether or not the use of the Alternative Dispute Resolution (ADR) Program is appropriate to attempt resolution of an informal and/or formal complaint of discrimination.

c. EEO Counselors will:

(1) Advise employees, former employees, or applicants for employment seeking counseling of their rights and responsibilities by issuing a Notice of Rights and Responsibilities.

(2) Gather and analyze information relevant to the complaint. This information can support both the employee's allegations and management's position concerning the issue(s) of alleged discrimination.

(3) Facilitate resolution of complaints, not act as either an employee or management advocate.

(4) Attempt to resolve allegations of discrimination at the informal complaint stage within 30 days of the date the complainant brought the allegations to the EEO counselor's attention. With the complainant's written approval, issue an Extension of EEO Counseling when counseling cannot be completed within 30 days. Counseling can be extended for a period not to exceed 60 days. When there is an established alternative dispute resolution procedure and the aggrieved individual agrees to participate in the procedure, the initial counseling period may be extended to 90 days.

(5) Within 30 days of the date the complainant brought the allegations to the attention of the EEO counselor, or the expiration of any agreed on extension, notify the employee, former employee, or applicant for employment of his or her right to file a formal complaint by issuing a Notice of Final Interview.

d. Formal Complaints Manager. This position is located in the EEO Division of the Human Resources Department. The Formal Complaints Manager will:

(1) Prepare all correspondence for formal complaints.

(2) Provide complete documentation to investigators, the Equal Employment Opportunity Commission (EEOC), or other agencies, as appropriate.

(3) Maintain all relevant documents in agency complaint files per reference (a).

(4) Provide current status data for input to complaints action tracking system (CATS).

e. Supervisors are responsible for:

(1) Ensuring their actions are free from discrimination and reprisal.

(2) Taking action to ensure a workplace free from a hostile, discriminatory, or offensive environment, including sexual harassment, and taking immediate steps to correct such situations should they occur.

(3) Monitoring employee conduct and taking corrective action as required.

(4) Communicating discrimination complaint procedures to employees.

(5) Cooperating with EEO program officials, counselors, investigators, and the designated management representative, as required.

(6) Seeking reasonable resolution of potential complaints during the counseling stage and cooperating with efforts to settle formal complaints.

7. Procedures. NAWCWD uses the procedures provided in reference (a) to process complaints of discrimination and reprisal. EEO Counselors may be contacted at (DSN 437) 939-0200 for China Lake, California or White Sands, New Mexico, or (DSN 351) 989-3354 or 3224 for Point Mugu, California.

8. Directive Responsibility. The Head, Human Resources Department, Code 730000E, is responsible for keeping this instruction current.

R. B. Ormsbee

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